

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

James C. Whaley, #1001117,)	
a/k/a James C. Whaley, #357132,)	
)	C.A. No. 1:23-1153-HMH-TER
Plaintiff,)	
)	
vs.)	OPINION & ORDER
)	
)	
Clifton Newman, former Chief)	
Administrative Judge, Courtney)	
Clyburn-Pope, Chief Administrative Judge,)	
)	
Defendants.)	

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina.¹ James C. Whaley (“Whaley”), a pro se pretrial detainee awaiting civil commitment SVPTP (Sexually Violent Predator Treatment Program) proceedings, asserts pursuant to 42 U.S.C. § 1983, that the Defendants violated his constitutional rights. In his Report and Recommendation filed on March 21, 2023, Magistrate Judge Rogers recommends dismissing this action with prejudice under 28 U.S.C. § 1915(e) and § 1915A and without issuance and service of process based on absolute judicial immunity and Younger v. Harris, 401 U.S. 37 (1971), abstention. (R&R, generally, ECF No. 8.)

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Whaley filed timely objections to the Report and Recommendation. (Objs., ECF No. 10.) Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that Whaley's objections are non-specific, unrelated to the dispositive portions of the magistrate judge's Report and Recommendation, or merely restate his claims. Therefore, after a thorough review of the magistrate judge's Report and the record in this case, the court adopts Magistrate Judge Rogers' Report and Recommendation and incorporates it herein.²

It is therefore

ORDERED that this action is dismissed with prejudice under § 1915(e) and § 1915A and without issuance and service of process.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
April 13, 2023

² Although unclear from his objections, to the extent Whaley is attempting to amend his complaint to add the assistant attorney general, the request is denied as futile. Johnson v. Oroweat Foods Co., 785 F.2d 503, 509 (4th Cir. 1986).

NOTICE OF RIGHT TO APPEAL

The Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.